

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**

March 26, 2008 – 3:00 p.m. – 445 State Capitol

Members Present:

Speaker Greg J. Curtis
President John L. Valentine, Chair
Sen. Curtis S. Bramble
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Brent Goodfellow
Sen. Patricia W. Jones
Sen. Sheldon Killpack
Rep. Brad L. Dee
Rep. David Litvack
Rep. David Clark
Rep. Brad King
Rep. Carol Spackman Moss
Rep. Gordon E. Snow

Members Absent:

Sen. Dan R. Eastman
Rep. Phil Riesen

Staff Present:

Mr. Michael E. Christensen, Director
Ms. Gay Taylor, General Counsel
Ms. Beverlee LeCheminant, Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Speaker Curtis called the meeting to order at 4:00 p.m.

MOTION: Rep. Snow moved to approve the minutes of the December 11, 2007 meeting. The motion passed unanimously.

2. Session Statistics

Mr. Christensen presented a statistical summary of the legislative session, including the number of bills introduced and passed in total and by each house.

Sen. Bramble asked if the increase in the number of bills causes a concern with staffing. Mr. Christensen said that currently his staff is able to handle the increase, but if it continues increasing every year, he will have to ask for additional staff.

3. Legislative Management Policies

Mr. Christensen reviewed the Legislative Management Policies, including changes made by the 2008 General Session of the Legislature and changes recommended by staff. He noted the change on page 27 regarding Overtime by Professional Legislative Staff was in error and should not be considered when approving the policies.

Ms. Gay Taylor distributed the Committee Room Policy and indicated that the Legislature passed S.B. 112 which defined legislative space in the capitol and, with the remodeling in the House Building, some of the committee rooms need to be changed. She stated that the only substantive change beyond S.B. 112 is on page 30 where the Capitol Preservation Board has asked that the Legislature schedule Committee

Room 250 for this interim. She said Legislative Research and General Counsel is responsible for that and would assume that responsibility with LMC's approval of the policy.

Ms. Taylor distributed the LMC policy about parking and stated that it shows what was the parking policy and the changes to it. She said that during the session there is no change, but on the second page, there is a change as to legislative staff where there is assigned parking on interim days in Lot E and G that has been added. She indicated that the last page is all new and provides, when it is not a general session or an interim day, how many parking spots are available for the Legislature and their staff.

MOTION:: Rep. Clark moved to approve the adoption of the LMC Policies with changes as presented. The motion passed unanimously.

4. Creation of Temporary Interim Committees

Ms. Taylor indicated that as H.B. 490 failed to pass by the end of the session, the question is whether the committee wants to create these or any interim committees during this interim

MOTION: President Valentine moved to: (a) make specific assignments to the following interim committees and authorize them to meet up to five additional times as follows:

- I. Education Interim Committee - to study the issues of performance and differentiated pay for teachers and make recommendations on:
 - (a) the implementation of a goal-driven compensation system, including how performance incentives may be implemented to motivate teachers in improving performance and student achievement;
 - (b) the use of differential pay for subject matters where school districts have difficulty in hiring professionals and retaining them;
 - (c) identifying assessments of teacher performance that are valid, reliable, and objective;
 - (d) evaluating to what extent existing data and data systems may be used to measure learning gains of a teacher's students;
 - (e) determining what modifications of data or data systems are needed to effectively measure learning gains of a teacher's students;
 - (f) identifying assessments of teacher performance for teachers who teach subjects not tested by U-PASS (Utah Performance Assessment System for Students);
 - (g) considering the appropriateness of compensation based on individual, team, or school-based performance, or a combination of those, and to what extent school districts or schools should have flexibility in determining whether awards are based on individual, team, or school-based performance, or a combination of those;
 - (h) considering how to transition from existing teacher compensation systems to systems in which a portion of compensation is based on performance; and
 - (I) considering what should be an appropriate range for the amount of a performance-based award or what portion of total compensation should be based on performance.

The Education Interim Committee is also encouraged to meet with the committee formed by State Board of Education which is examining performance and differential pay plans.

- II. Revenue and Tax Interim Committee - to focus on the issues of property tax, property tax assessment, and the constitutional provisions of Utah's Constitution that deals with property tax.
- b. Created two new interim committees with membership appointed by the President and Speaker as follows: House - five members of the majority party and two members of the minority party; Senate - three members of the majority party and one member of the minority party for a total of 11 members for each committee. The committees are authorized to meet up to eight times and their authorization expires December 31, 2008.
- I. Immigration Interim Committee - is to study and make recommendations on the following issues:
 - (a) current and proposed federal and state laws, programs, and policies that relate to unauthorized or illegal immigrants residing within the state, including:
 - (i) employer verification of an employee's immigration status;
 - (ii) postsecondary education benefits;
 - (iii) access to federal, state, and local public benefits, including health care, food stamps, and cash assistance; and
 - (iv) obtaining a valid driver license or identification card;
 - (b) the state's role in enforcing federal immigration law, both criminal and civil;
 - (c) federal preemption of current or proposed state immigration laws;
 - (d) issues related to S.B. 81;
 - (e) any other issue relating to illegal or unauthorized immigration as determined by the task force; and
 - (f) with a final report, including any proposed legislation, to be presented to the Workforce Services and Community and Economic Development Interim Committee, the Business and Labor Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee before November 30, 2008.
- II. Higher Education and Applied Technology Governance Committee - is to study and make recommendations on:
 - (a) governance of the state's higher and applied technology systems with particular emphasis on area technology centers, and
 - (b) the roles, missions, and governance of institutions of higher education.

The motion passed unanimously.

5. Letters from Legislative Committees

Mr. Christensen reviewed a letter from the Revenue and Taxation Interim Committee requesting permission to hold up to five additional meetings during the 2008 interim to study the state's property tax system. Mr. Christensen indicated that this request was taken care of in President Valentine's motion.

Mr. Christensen reviewed a letter from the Education Interim Committee, the Public Education Appropriations Subcommittee, and the Higher Education Appropriations Subcommittee requesting permission to hold a joint meeting in Cedar City with the State Board of Education and the State Board of Regents which would require a two night stay in Cedar City.

MOTION: President Valentine moved to approve the Education Committees' request and have them come back at a future meeting if the Higher Education and Applied Technology Governance Committee members have a desire to participate in these joint meetings. The motion passed unanimously.

6. Master Study Resolution

Mr. Christensen said staff has grouped the Master Study items by interim committees. LMC can adopt staff's suggestions or make changes by moving the study items from one committee to another committee, or have the committees come back to LMC with their recommendations. He indicated that at the end of the Master Study items by interim committees is a letter from Sen. Stowell with his recommendations for changes.

MOTION: Rep. Litvack moved to transfer Item #11 and #160 from Business Labor Interim Committee to Workforce Services and Community and Economic Development Interim Committee. The motion failed. Voting in the negative were Sens. Bramble, Killpack, President Valentine, Speaker Curtis, and Reps. Clark, Dee, and Snow. Sen. Jones was absent for the vote.

MOTION: Sen. Davis moved to have Item #73 removed from the Health and Human Services Interim Committee as it will be studied in the Health System Reform Task Force. The motion passed unanimously. Sen. Jones was absent for the vote.

MOTION: Sen. Goodfellow moved to transfer Item #11 from Business Labor Interim Committee to Workforce Services and Community and Economic Development Interim Committee. The motion passed with Reps. Clark and Snow voting in the negative. Sen. Jones was absent for the vote.

MOTION: Sen. Bramble moved to transfer Item #78 from Health and Human Services Interim Committee to Natural Resources, Agriculture, and Environment Interim Committee. The motion passed unanimously. Sen. Jones was absent for the vote.

MOTION: Rep. Dee moved to transfer Item #167 from Public Utilities and Technology Interim Committee to Law Enforcement and Criminal Justice Interim Committee. The motion passed unanimously. Sen. Jones was absent for the vote.

MOTION: Rep. Moss moved to delete Items #36, 37, 44, and 48 from the Education Interim Committee's study list. The motion failed. Voting for the motion were: Sens. Davis, Dmitrich, and Goodfellow and Reps. King, Moss, and Litvack. Sen. Jones was absent for the vote.

MOTION: Sen. Killpack moved to transfer Item #74 from Health and Human Services Interim Committee to the Judiciary Interim Committee. The motion passed unanimously. Sen. Jones was absent for the vote.

MOTION: Sen. Goodfellow moved to transfer Items #22, 32, and 35 from the Education Interim Committee to the new Higher Education and Applied Technology Governance Committee. The motion passed unanimously. Sen. Jones was absent for the vote.

MOTION: President Valentine moved to transfer Items #124 and 132 to the Immigration Interim Committee and to approve the Master Study Resolution with the recommended assignments as modified by LMC. The motion passed unanimously. Sen. Jones was absent for the vote.

7. Sunset Review and Repeal Assignments

Ms. Taylor discussed these the Sunset Reviews and Repeal Assignments. She indicated that staff has recommended assignments to the committees indicated at the far left side and the committee is welcome to modify those assignments.

MOTION: Sen. Davis moved to approve the list of recommended assignments for the Sunset Act and Repealers. The motion passed unanimously with Sen. Jones and Rep. Litvack absent for the vote.

8. Interim Dates

Mr. Christensen discussed the proposed interim dates schedule. He indicated that there are no meetings in July because of national conferences that are being held that month. He also indicated that the November interim meetings will be held on November 18th and 19th rather than November 11th and 12th as mistakenly shown on the schedule and confirmed there will be no meetings held in December other than Executive Appropriations.

MOTION: Sen. Bramble moved to approve the interim schedule as amended. The motion passed unanimously. Sen. Jones and Rep. Litvack were absent for the vote.

9. Other Business

President Valentine apologized to the audience and members of the committee for being late in starting the meeting.

10. Adjourn

MOTION: Rep. Dee moved to adjourn the meeting. The motion passed unanimously.

Speaker Curtis adjourned the meeting at 5:10 p.m.

